12. (Thrice Amended) The bandwidth allocation system of claim [31] 28, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation and wherein the assigned weight determines the priority given to each allocation criteria.

13. (Thrice Amended) The bandwidth allocation system of claim [31] 28, wherein at least one content delivery mode comprises a video content delivery mode wherein at least three instances of a same video content at time-spaced intervals of varying length.

Cancel Claim 14 without prejudice or disclaimer.

15. (Once Amended) The digital home communication terminal of claim [14] 29, further comprising a tuner that receives channel allocation information from the bandwidth allocation manager and processes the information into a format suitable for presentation to a subscriber.

Cancel Claims 21-26 without prejudice or disclaimer.

Cancel Claim 30-41 without prejudice or disclaimer.

REMARKS

In the Official Action of May 23, 2002, claims 2-6, 8-15 and 21-41 were pending, and of those, independent claims 27-29 were allowed. By the instant amendment, applicants have canceled remaining claims 8, 14, 21-26 and 30-41. Claims 2-6 have been amended to depend from allowed claim 27, claims 9-13 have been amended to depend from allowed claim 28, and claim 15 has been amended to depend from allowed claim 29. Reconsideration of the present application is requested in light of the above amendments and these remarks. Following the amendments, claims 2-6, 9-13, 15, and 27-29 remain pending. The Applicants do not believe that any of these amendments or new claims have added new matter to the claims.

As indicated above, independent claims 27-29 were allowed by the Patent Office in its action of May 23rd. By the instant amendment, applicants have done nothing more than place the balance of the application in condition for allowance by canceling rejected claims, and changing the dependency of others to properly depend from allowed independent claims. Applicants therefore respectfully submit that the subject patent application is now fully in condition for allowance.

CONCLUSION

Based on the amendments, and the arguments set forth herein, the Applicants submit that all remaining pending claims in the present application clearly define over the prior art and are in condition for allowance. A Notice of Allowance is thus respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any further informalities need to be addressed.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-0761.

Respectfully submitted,

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Maryellen Licker

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Exhibit A

Pending Claims Marked to Show Changes

2. (Thrice Amended) The bandwidth allocation manager of claim [30] 27, wherein the at least two different content delivery modes are selected from the group consisting of broadcast, pay-per-view, video-on-demand, and near video-on-demand.

3. (Thrice Amended) The bandwidth allocation manager of claim [30] 27, wherein at least one content delivery mode comprises a video content delivery mode wherein at least three instances of a same video content are transmitted at time-spaced intervals of varying length.

4. (Thrice Amended) The bandwidth allocation manager of claim [30] 27, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

5. (Twice Amended) The bandwidth allocation manager of claim [30] 27, wherein the allocation criteria received from the subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities.

6. (Thrice Amended) The bandwidth allocation manager of claim [30] 27, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine an adjusted bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation criteria, and wherein the assigned weight determines the priority given to each allocation criteria.

Cancel Claim 8 without prejudice or disclaimer.

9. (Thrice Amended) The bandwidth allocation system of claim [31] 28, wherein the at least two different content delivery modes are selected from the group consisting of broadcast, pay-per-view, video-on-demand, and near video-on-demand.

10. (Thrice Amended) The bandwidth allocation system of claim [31] 28, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

11. (Twice Amended) The bandwidth allocation system of claim [31] 28, wherein the allocation criteria received from a subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities.

12. (Thrice Amended) The bandwidth allocation system of claim [31] 28, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation and wherein the assigned weight determines the priority given to each allocation criteria.

13. (Thrice Amended) The bandwidth allocation system of claim [31] 28, wherein at least one content delivery mode comprises a video content delivery mode wherein at least three instances of a same video content at time-spaced intervals of varying length.

Cancel Claim 14 without prejudice or disclaimer.

15. (Once Amended) The digital home communication terminal of claim [14] 29, further comprising a tuner that receives channel allocation information from the bandwidth allocation manager and processes the information into a format suitable for presentation to a subscriber.

Cancel Claims 21-26 without prejudice or disclaimer.

27. (Once Amended) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager

dynamically assigns at least two different content delivery modes to a plurality of digital transmission channels based at least partially on a subscriber reservation request comprising a date and time that the subscriber wishes to reserve for viewing a program in the future, a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled.

28. (Once Amended) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule in the digital broadband delivery system based at least partially on a subscriber reservation request, wherein the subscriber reservation request comprises a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

29. (Once Amended) A digital home communication terminal for use in a digital broadband delivery system containing a bandwidth allocation manager comprising:

an interface that receives a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future, wherein the subscriber reservation request comprises a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled; and

a tuner that transmits the subscriber criteria to the bandwidth allocation manager for use in dynamically allocating bandwidth in the digital broadband delivery system.

Cancel Claim 30-41 without prejudice or disclaimer.